

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Amend the title at the Examiner's invitation.
2. Amend claim 1.
3. Add new dependent claims 14-20 dependent upon claim 12 and corresponding to original claims 2 – 8, respectively.
4. Thank the Examiner for the allowance of claim 12.
5. Respectfully traverse all prior art rejections.

**B. PATENTABILITY OF THE CLAIMS**

Claims 1, 2, 3, 5-8, 10 and 13 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,727,009 to Tajiri et al in view of U.S. Patent 6,335,548 to Roberts et al. Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,727,009 to Tajiri et al in view of U.S. Patent 6,335,548 to Roberts et al as applied to claim 3 above and further in view of U.S. Publication 2002/0101574 to Tsuji. Claims 9 and 11 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,727,009 to Tajiri et al in view of U.S. Patent 6,335,548 to Roberts et al as applied to claim 3 and 10 above and further in view of U.S. Patent 5,776,802. All prior art rejections are respectfully traversed for at least the following reasons.

The office action has employed U.S. Patent 5,727,009 to Tajiri et al as the primary reference. The office action relies on the eighth embodiment of U.S. Patent 5,727,009 to Tajiri et al, which is described in columns 12 – 13+ and Fig. 21 – 15. In the Tajiri eighth embodiment a mount member 51 comprises a lead frame 52 for installation of the semiconductor laser device and a plurality of leads 53 united with a common insulating

mold body 54 (col. 21: 13 – 15). The insulating mold body 54 supports frame 52 and leads 53. The mold body 54 forms a framework on its periphery to form a container for accommodating elements. A support member 61 includes a first member 63, a second member 64, and a third member 65, which are joined together above a concave portion 55 of insulating body 54. The supporting member 61 supports a transmission type holographic optical element 62 (col. 12:66 – col. 22: 3). The mold body 54 has arc portions 54c which facilitate rotatable adjustment of the semiconductor laser when incorporated into a circular housing of a pickup device, and a concave portion 54d for insert of an adjustment jig at one of the arc portions 54c (col. 22, lines 59-65).

On page 3 the office action opines that the claimed outer peripheral surfaces are realized by Tajiri's exposed surfaces 61 and 54, and that the outer peripheral surface is configured so as to be fitted into a cylindrical hole...and has a recess extending from the front surface to the rear surface 54d, and with proximal ends thereof electrically connected to the semiconductor laser element 58 and light receiving element 60 (see Fig. 24)".

In an effort to find a peripheral surface that meets all claim limitations, the office action is attempting to combining structure of Tajiri's supporting member 61 with Tajiri's mount member 51. It is possible that Tajiri's second member 64 can fit into Tajiri's first member 63, or even Tajiri's third member 65 can fit into Tajiri's second member 64. But applicants see no recess in a peripheral surface of of Tajiri's support member 61 (e.g., any of Tajiri's first member 63, second member 64, or third member 65) or in Tajiri's mount member 51 which have leads passing therethrough. The only recess we see in the vicinity of Tajiri's leads is the concave portion 54d in Fig. 21. The element which partially occupies Tajiri's concave portion 54d is an adjustment jig, as explained in col. 22, lines 64 – 65, not a lead.

To emphasize structural distinctions of independent claim 1, Applicants have amended independent claim 1 to state that the distal portions of the leads extending through the recess in the outer peripheral surface in a direction parallel to the optical axis.

Thus, the prior art rejection of independent claim 1 can be reasonably traversed since the combination of references does not teach or suggest, e.g., passage of leads through a recess, the recess being formed on a peripheral surface configured for insertion into a circular hole.

Regarding dependent claim 3, we note the allegation of the office action that Tajiri's leads 53 and arc portions 54c are the claimed projections. Such allegation seems inconsistent with the independent claims, particularly if the leads are already equated to other elements (e.g., leads) and the arc portions 54c are already equated to the peripheral surface.

Independent claim 13 differs from independent claim 1 by requiring, e.g., "the leads each including an inner lead portion present inside the package and an outer lead portion present outside the package, the outer lead portions of the leads being arranged at greater intervals than the inner lead portions of the leads, and bent toward the rear surface of the package" (emphasis added). The office action alleges that the lead structure of Fig. 24 of U.S. Patent 5,727,009 to Tajiri et al teaches such interval relationship. However, as shown in Fig. 24 of Tajiri et al, the inner lead portions of the leads have an interval of 4.0 mm or more, while the outer lead portions have an interval of 4.0 mm. Therefore, Fig. 24 of Tajiri cannot teach or suggest, e.g., the limitation of independent claim 13 that the outer lead portions of the leads are arranged at greater intervals than the inner portions of the leads.

**C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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